

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT CLARKSBURG**

DEY, L.P. and DEY, INC.,

Plaintiffs,

V.

**TEVA PARENTERAL MEDICINES, INC.,
TEVA PHARMACEUTICALS USA, INC.,
and TEVA PHARMACEUTICAL
INDUSTRIES, LTD.,**

Defendants.

Civil Action No. 1:09-cv-87

(Judge Irene M. Keeley)

REQUEST FOR AWARD OF AGREED COSTS

Plaintiffs Dey, L.P. and Dey, Inc., (“Dey”), by their undersigned counsel, hereby move the Court to enter an order awarding to Dey the costs previously-stipulated by the parties to be allowable. Dey filed its Bill of Costs (Dkt. No. 267) on April 21, 2014, to which Defendants filed objections (Dkt. No. 271). Thereafter, the parties conferred and submitted a Stipulation (Dkt. No. 272) as to costs properly allowed, in the event Dey prevailed on appeal.

The Court of Appeals for the Federal Circuit affirmed the judgment of this Court on April 17, 2015, and the mandate of the Court of Appeals issued on May 26, 2015 (Dkt. No. 279). As there is now no impediment to an award of costs or question as to the amount of costs payable, Dey requests that the Court approve the previously-submitted stipulation (Dkt. No. 272), or otherwise direct the Clerk to tax costs in favor of Dey in the amount of \$58,384.16, the sum agreed to by the parties.

Respectfully submitted this 29th day of May 2015.

/s/ **Gordon H. Copland**

Gordon H. Copland (WVSB No. 828)
William J. O'Brien (WVSB No. 10549)
STEPTOE & JOHNSON, PLLC
400 White Oaks Blvd.
Bridgeport, WV 26330

Evan R. Chesler
Roger G. Brooks
David N. Greenwald
David R. Marriott
CRAVATH, SWAINE & MOORE, LP
825 Eighth Avenue
New York, NY 10019

***Attorneys for Plaintiffs
DEY, L.P. and DEY, INC.***

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of May 2015, I electronically filed the foregoing “Request for Award of Agreed Costs” with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following counsel of record:

Bruce M. Gagala
Jeffrey B. Burgan
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza – Suite 4900
180 North Stetson Ave
Chicago, IL 60601-6780

Geraldine S. Roberts
James A. Varner, Sr.
MCNEER, HIGHLAND, MCMUNN &
VARNER, L.C.
P.O. Drawer 2040
Clarksburg, WV 26302-2040

/s/ Gordon H. Copland

Gordon H. Copland (WVSB No. 828)
William J. O’Brien (WVSB No. 10549)
STEPTOE & JOHNSON, PLLC
400 White Oaks Blvd.
Bridgeport, WV 26330

6907107